

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 91-095-W - ORDER NO. 91-1021
NOVEMBER 12, 1991

IN RE: Application of Upstate Heater)
Utilities, Inc. for an Increase)
in its Water Rates and Charges.) ORDER
DISMISSING
APPLICATION

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of a letter from Thomas J. Studebaker, an Intervenor in the instant Docket, in which Mr. Studebaker has notified the Commission that he did not receive a copy of Upstate Heater Utilities, Inc.'s (UHU's or the Company's) application filed on October 10, 1991, with the Commission. Mr. Studebaker states that he was one of several intervenors in this case that had not been notified of the Company's refiling of its application.

Order No. 91-703 in the instant Docket required the Company to refile its application and serve copies on all parties that had intervened in the Docket. The Commission has determined that since the Company did not serve the other parties of record when it refiled its application on October 10, 1991, that the parties have been prejudiced by delaying their notice of and participation in

the instant application proceeding. The Commission has determined that the Company's application should be dismissed and that the Company be allowed to refile at its convenience. However, the Company is instructed that it shall serve all existing parties of record when it makes its new filing in this Docket. The Commission seeks to ensure that all parties are afforded the same rights and that no party should be prejudiced by the Company's failure to serve copies of its filings.

IT IS SO ORDERED.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Deputy Executive Director

(SEAL)